



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number **July 12-112P**

Case Type **Preliminary Plat (Minor Subdivision)**

Project Name **Tranquil Acres**

Applicant/Owners Russell, Fred, and Eldon Walter, representing Real Beef, LLC
1251 NW Briarcliff Parkway, Suite 120
Kansas City, MO 64116

Request **Preliminary Plat (Minor Subdivision)** approval of Tranquil Acres

Application Submittal 2012-06-04

Public Notice Published N/A

Neighbor Letters Sent 2012-06-19

Report Date 2012-06-27

REPORT AUTHOR(S) Debbie Viviano, Planner
Matt Tapp, Director

Recommendation APPROVAL with conditions



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: Approx. 17400 Plattsburg Road
Section 18 | Township 53 | Range 31

Site Size: 21.06± Acres

Existing Landuse & Zoning: Agricultural (AG)

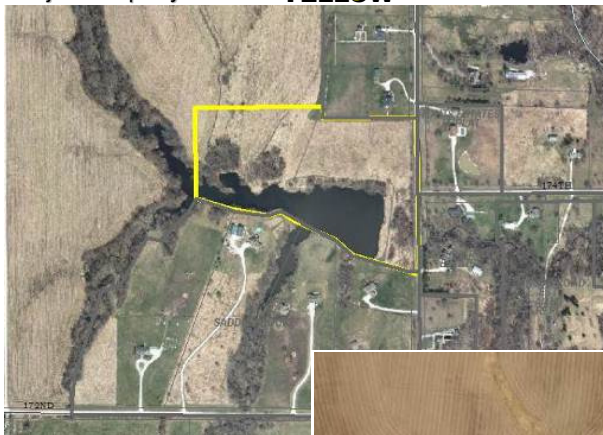
Zoning/Platting History: None.

Surrounding Landuse & Zoning:

- North – AG Zoned Land, Saddlebrooke (R-1A), Elcinata Downs 1st Plat (R-1)
- East – AG Zoned Land, Henson Road Estates (R-1), Western Way & Company (R-1)
- South – Agricultural (AG) Zoned Land, Northwest Territory (R-1), Saddlebrooke II (R-1A)
- West – Agricultural (AG) Zoned Land, Smithville Lake Reservoir, Hartell Estates (R-1A)

Current Conditions:

Subject Property Lines = **YELLOW**



Courtesy Microsoft® Bing™





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Assessment

Russell, Fred, and Eldon Walter, representing Real Beef, LLC are requesting **Preliminary Plat** approval for Tranquil Acres approximately 21.06+ acres located at approximately 17400 Plattsburg Road. The property owners would like to divide the land to create one (1) new single-family dwelling lot from an existing approximately 180-acre parcel.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **RURAL LOW-DENSITY TIER**. The subject property is also located along the Northland Trails Vision Plan (NTVP) route #C-7, a 2nd phase priority combined use trail.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽¹⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽¹⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts		phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.		Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
		Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway, yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The subject request meets the spirit and jest of the Comprehensive Plan.

Character of the General Neighborhood

Agriculturally (AG) zoned property is in each direction of the property. The Smithville Lake Reservoir and Hartell Estates (R-1A) are to the west. Several R-1 zoned subdivisions are to the east. Northwest Territory (R-1A) and Saddlebrooke II (R-1A) are to the south. Saddlebrooke (R-1A) and Elcinata Downs 1st Plat (R-1) are to the north [See Attachment B].

LDC Considerations

The review procedures and submittal content for Tranquil Acres must follow the Minor Subdivision requirements in Section 151-3.5 of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request appears to substantially comply with the LDC. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent June 19, 2012.

Outside Agency Review

The Clay County Highway Department has noted they have permitted a driveway access for the proposed lot. The Clay County Health Department has given preliminary and final approval. The City of Lathrop would be able to provide water for the property. The Kearney Fire District serves the property.

The existing pond structure has been inspected by the Clay County Soil and Water Conservation District but their report has not been submitted as of the writing of this report.

Findings

The existing pond on the south side of the subject property has restrictions for its use by the property owners located within Saddlebrooke II as established by the Declaration of Covenants, Conditions and Restrictions document recorded with the Clay County Recorder of Deeds on April 15, 1998, document# N86336.

The applicant and owner (Real Beef, LLC) has requested a waiver of the Road Impact Fees (RIF) required for the new proposed lot pursuant to Section 151-9.13 (3) of the LDC, which states: "The conveyance of 1 parcel to a family member for the purpose of constructing a single-family house. A maximum of 1 conveyance shall be permitted within a 5 year period". The new lot is to be conveyed to Russell Walter, family member to the other members of Real Beef, LLC.



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Recommendations

Staff recommends the **Preliminary Plat (Minor Subdivision)** of **Tranquil Acres** be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. If the waiver is **not approved** for the Road Impact Fee (RIF), a RIF agreement must be recorded and fees paid for the lot prior to the recording of the final plat.
2. Inspection and approval of the existing dam structure before recording of the final plat.
3. The following changes to the recording copies of the final plat:
 - a. ADD: A 15' Recreational Easement within the first 15' of the standard 30' UE along Plattsburg Road, and standard trail dedication language within the dedication block.
 - b. ADD NOTE: *"There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County."*
 - c. CORRECT: The 100' Building Line changed to 50' Building Line.

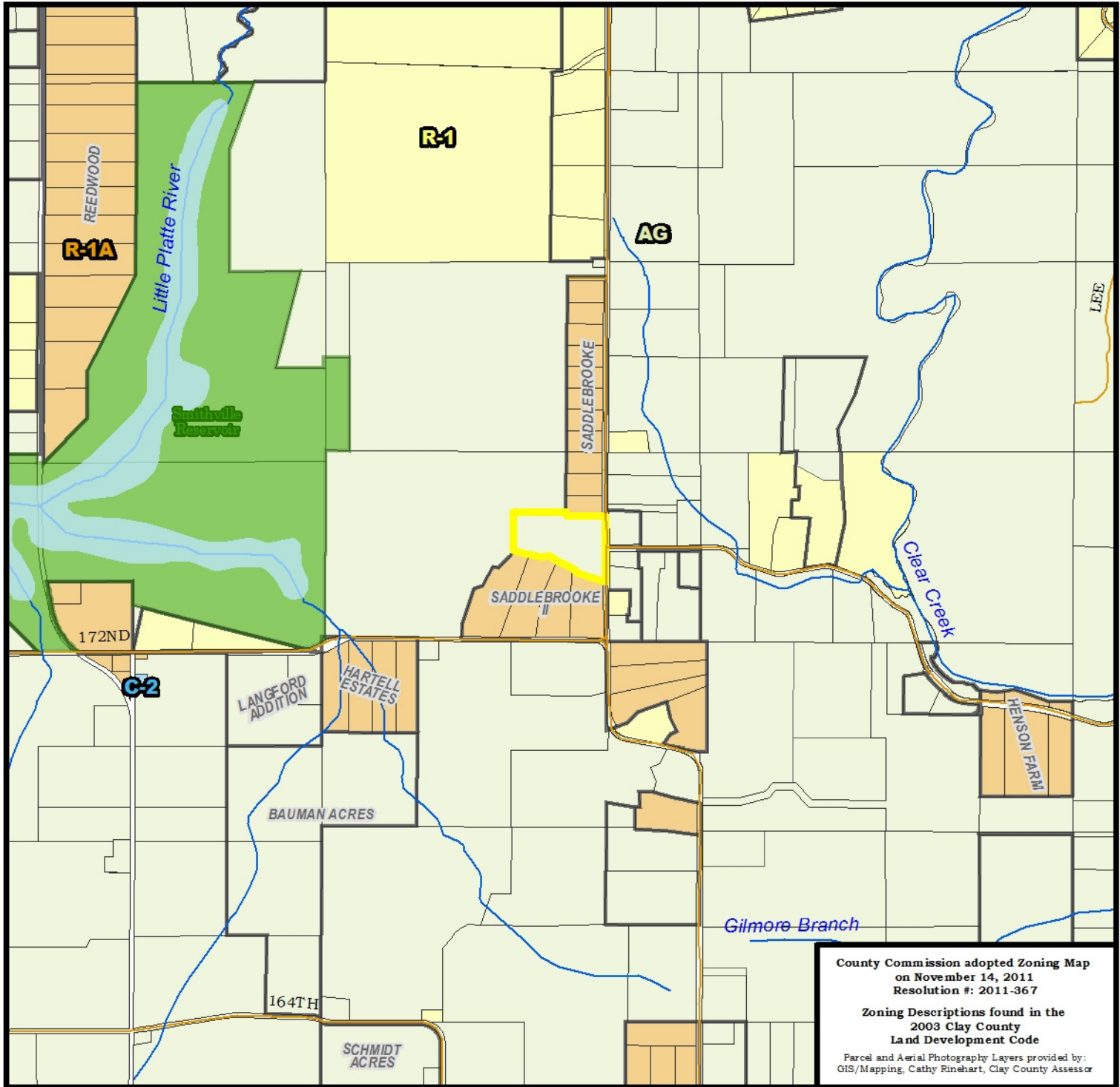


Attachments

Attachment A - Vicinity Map

July 12-112P - Tranquil Acres

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on November 14, 2011
Resolution #: 2011-367

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 2,000 feet
1 inch = 0.38 miles

LEGEND

Tranquil Acres

parcel

Streams (EPA)

Railroads

Roads
CLA 88

Interstates

State Highways

Local Roads

Highway Ramps

Overlay Districts

OVERLAY

CD (Conservation District)

PUD (Planned Unit Development)

Subdivisions

County Boundaries

2011 City Limits

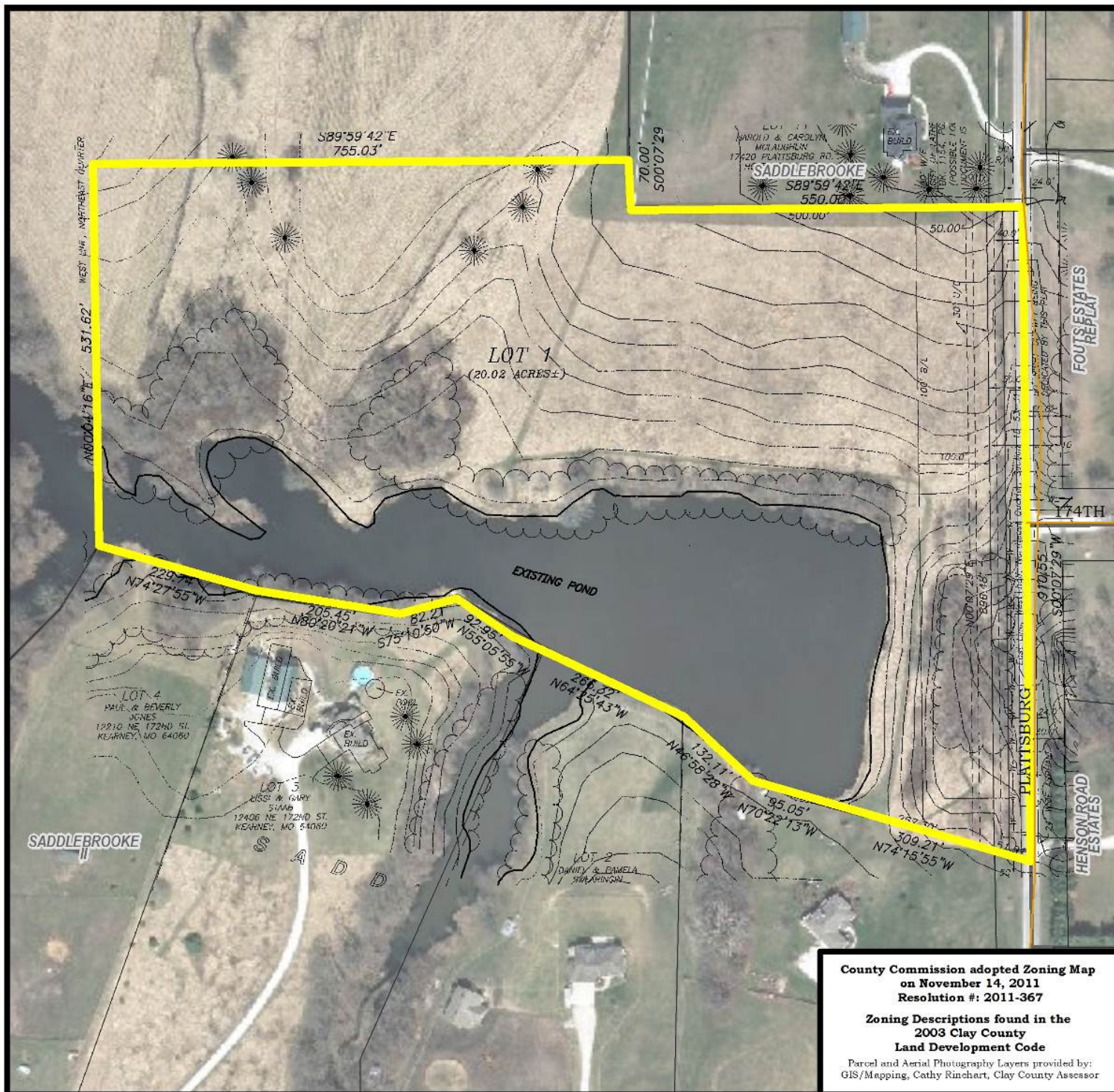
Parks

Zoning Districts

AG	C-1
R-1	C-2
R-1A	C-3
R-1B	I-1
R-3	I-2
R-5	OP

July 12-112P - Tranquil Acres

Attachment C -Site Plan Map



Planning & Zoning Department



1 inch = 200 feet
1 inch = 0.04 miles

LEGEND

Tranquil Acres

parcel

~~~~~ Streams (EPA)

=X=X Railroads

**Roads CLASS**

= Interstates

= State Highways

= Local Roads

= Highway Ramps

**Overlay Districts**

CD (Conservation District)

PUD (Planned Unit Development)

Subdivisions

County Boundaries

2011 City Limits

Parks